

Bill No. 44-05
Concerning: Motor Vehicles – Parking
Violations
Revised: 2/7/06 Draft No. 5
Introduced: December 13, 2005
Expires: June 13, 2007
Enacted: February 7, 2006
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Subin and Praisner

AN ACT to:

- (1) modify the law relating to fines imposed for parking in a fire lane or space reserved for individuals with disabilities;
- (2) substitute references to the Department of Public Works and Transportation for certain references to the Department of Finance;
- (3) make certain technical, clarifying, and stylistic changes to the law governing parking violations; and
- [[(3)] (4) generally amend the law relating to parking of vehicles.

By amending

Montgomery County Code
Chapter 31, Motor Vehicles and Traffic
[[Section]] Sections 31-51, 31-52, 31-54, and 31-57

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. [[Section 31-51 is]] Sections 31-51, 31-52, 31-54, and 31-57 are**
 2 **amended as follows:**

3 **31-51.** **[Authority of county executive to administer and enforce chapter,**
 4 **establish and collect fines] Enforcement and administration; fines**
 5 **and penalties; signs.**

6 (a) Authority of County Council. The Council must[:

7 (1)] set by Council resolution adopted as provided in Section [2-57]
 8 2-57A[[, after review by the [district court of Maryland for
 9 Montgomery County] Administrative Judge for District 6 of the
 10 Maryland District Court,]] a schedule of fines or other penalties
 11 for violations of this Chapter, except that:

12 [(A)] (1) the fine for parking in a fire lane must not [be less than]
 13 exceed \$250;

14 [(B)] (2) the fine for violating restrictions on parking in a space
 15 reserved for [people] individuals with disabilities must not
 16 [be less than] exceed \$250; and

17 [(C)] (3) other [such] fines and penalties must not exceed those
 18 imposed for a class B violation;

19 (b) Authority of County Executive. The County Executive may:

20 [(2)] (1) adopt regulations under method (3) [as he may deem necessary
 21 or proper for] to administer this Chapter, including regulations
 22 that govern the collection [by the department of finance of the
 23 county] of [all such] fines, penalties, costs, and other charges
 24 [imposed by this chapter and to define any term used in
 25 connection with the collection of said fines, penalties, costs and
 26 other charges];

27 [(3)] (2) waive [all fines, penalties, costs, and other charges in instances
28 where] a fine, penalty, cost, or other charge when:

29 (A) there has been a material error in the preparation of [the] a
30 notice of violation; or

31 (B) [when said charges have] the fine, penalty, cost, or other
32 charge has been improperly assessed;

33 [(4)] (3) if a claim for a refund is made within 1 year after payment,
34 refund the amount of any over payment of [any] a fine, penalty,
35 cost, or other charge paid in error[, or when such charge was] or
36 improperly assessed[, provided that such refund can be made
37 only if claimed within one year from date of payment]; and

38 [(5)] (4) delegate [with adequate safeguards appropriate powers, duties,
39 or functions in connection with the collection of the fines,
40 penalties, costs or other charges imposed by this chapter and the
41 enforcement of the provisions and regulations relating thereto,]
42 any power, duty, or function necessary to implement this Chapter
43 to any [other] agent, representative, or employee of the [county]
44 County.

45 [(b)] (c) Signs. Any sign marking a fire lane or space reserved for [people]
46 individuals with disabilities installed after May 31, 1994, should include
47 the amount of the fine for illegally parking in the lane or space.

48 [(c)] (d) Waivers and refunds. [Any action taken under paragraphs (a)(3) and
49 (a)(4) above, by any person so designated and authorized by the county
50 executive, must be fully documented by that person in writing to the
51 director of finance for inclusion in a monthly report to the county
52 executive or his designee for review.] The Director of the Department of
53 [[Finance]] Public Works and Transportation must submit a [[monthly]]

quarterly report to the County Executive that identifies all fines, penalties, costs, and other charges that have been waived or refunded as authorized under ~~[[subsections (b)(3) and (4)]]~~ subsection (b)(2) and (3).

~~[(d)]~~ (e) *Other jurisdictions.* The County Executive may enter into a written agreement with the governing body of any [incorporated city, town] municipality or special taxing area [, specified in article I, section 101, of the county charter, for the purpose of providing] to provide central administration and collection [capability for all such jurisdictions] of fines and penalties under this Chapter.

31-52. ~~[[Duty]]~~ Duties and ~~[[responsibility]]~~ responsibilities of the ~~[[department of finance]]~~ Department of Public Works and Transportation.

- (a) The ~~[[director of finance]]~~ Director of the Department of Public Works and Transportation shall provide for, maintain records of and control the issuance of prenumbered parking violation notices to the department of police and other departments authorized by the county executive to enforce the regulations and provisions of this Code relative to illegal parking.
- (b) ~~[[Said director]]~~ The Director shall maintain receivable files for all parking violation notices issued by the said officers of said agencies and record the final disposition of each notice of violation issued.
- (c) All fines, penalties, costs and other charges imposed by this chapter for illegal parking violations shall be payable to Montgomery County, Maryland and the ~~[[director of the department of finance]]~~ Director shall administer and collect all such charges in accordance with the written regulations imposed by the county executive and by this chapter.

(d) Upon receipt of notification that the recipient of a notice of violation intends to stand trial for said offense, the ~~[[director of finance]]~~ Director shall notify the court and forward such records as necessary to conduct said trial. In addition, notice shall also be given to the officer who issued said notice of violation to advise said officer that his presence at the trial has been requested by the defendant.

(e) The ~~[[director of finance]]~~ Director may, in accordance with the procedures prescribed by the state motor vehicle administration and state law, give or cause to be given notice to said administration of all vehicles registered by the state and the subject of any outstanding and past due parking violation of this Code and request that the administration refuse registration or transfer of registration of the subject vehicle, until notified by the county that said violation has been satisfied.

In such cases, the ~~[[director of finance]]~~ Director may impose an additional cost of ten dollars (\$10.00), or as may be otherwise established from time to time by the county executive by executive regulation adopted under method (3) of section 2A-15 of this Code, for each registration withheld; and the owner of the vehicle shall be subject to payment of such costs, and all other fines, penalties and charges before notice is given to the administration that the subject violation has been satisfied and the registration is released.

31-54. Duty of police officers or other authorized persons to issue notice of violation and report same.

* * *

(c) Said notice of violation shall instruct the owner or operator thereof, or either of them, to pay within fifteen (15) days to the ~~[[department of~~

finance]] Department of Public Works and Transportation as penalty and in full satisfaction for such violation, the fine specified by the county executive as provided for in this article, or to give written notice, within fifteen (15) days, to the [[department of finance]] Department, of the owner or operator's intention to stand trial for said violation in the district court.

(d) It shall be the duty of each police officer or other authorized person to report each such violation to the [[department of finance]] Department immediately or as soon thereafter as possible.

(e) The notice and report as provided in this section shall bear corresponding serial numbers. All notices assigned for issuance by police officers or other persons shall be reported and fully accounted for by the respective officer or person to whom the notices were assigned and any missing notices or reports shall be immediately reported to the [[department of finance]] Department and documented by such officer or person.

31-57. Failure to pay or comply; penalty in addition to fine.

* * *

(b) Whenever the [[department of finance]] Department of Public Works and Transportation or its agent is able to ascertain by reasonable access to state motor vehicle administration registration records, the name and address of the owner thereof, [[such department]] the Department or agent shall immediately give or cause to be given a notice in writing to such owner that the violation is overdue and delinquent, but that the additional penalty has been added and that the failure of such owner to make such payment in full satisfaction of the violation fine and penalty, shall render such owner subject to the warrant and other penalties

134 *Approved:*

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George L. Leventhal, President, County Council

Date

136 *Approved:*

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Douglas M. Duncan, County Executive

Date

138 *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council

Date